Indiana Department of Education

Division of Special Education

# COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1796.01

COMPLAINT INVESTIGATOR:

DATE OF COMPLAINT:

DATE OF REPORT:

Jane Taylor-Holmes
September 10, 2001
October 10, 2001

REQUEST FOR RECONSIDERATION: no

DATE OF CLOSURE: November 14, 2001

# **COMPLAINT ISSUES:**

Whether the Indianapolis Public Schools violated:

511 IAC 7-27-3(a)(2) with regard to the school's alleged failure to ensure that the student's teacher of record attended the case conference committee (the "CCC") meeting.

511 IAC 7-27-2(c) and (d) with regard to the school's alleged failure to provide the parent with adequate written notice of the CCC meetings scheduled for August 20 and 22, 2001.

During the course of the investigation, two additional issues were identified, which are:

Whether the Indianapolis Public Schools violated:

511 IAC 7-25-6(j) with regard to the school's alleged failure to provide the parent with written notice that the reevaluation has been conducted and include a copy of the reevaluation report with the notice within twenty instructional days after the reevaluation.

511 IAC 7-27-7 with regard to the school's alleged failure to implement the student's individualized education program as written, specifically, failing to convene the CCC meeting when the student's reevaluation was complete on or before June 8, 2001.

### FINDINGS OF FACT:

- 1. The student (the "Student") is nine years old and is in the fourth grade at the local elementary school (the "School"). The Student is eligible for special education and related services as a student with a mild mental handicap ("MiMH") and a communication disorder ("CD").
- 2. Section 19 from a Case Conference Committee (the "CCC") Report dated March 30, 2001, states the following. "At conference held 3-2-01 parent requested the 3 yr. re-eval occur this spring. A case conference will convene when testing is complete on or before 6-8-01 to review new testing and placement."
- 3. The Complainant received a Notice of Case Conference (the "Notice") dated June 5, 2001, indicating that the Student's CCC was scheduled for August 20, 2001, at 2:30 p.m. at the School. The Notice states that a second Notice would be sent to the Complainant on August 10, 2001. A handwritten note next to the August 10, 2001, date states the following. "Met will be sent in the mail

- at 2<sup>nd</sup> notice." The MET is the reevaluation report.
- 4. The Complainant did not receive a second Notice or a copy of the Student's reevaluation report.
- 5. The Complainant went to the School on August 20, 2001, at 2:30 p.m. for the Student's CCC meeting. The meeting was not held because the principal and the special education supervisor were not there. The reevaluation report was also not available because it had not been typed.
- 6. The CCC met on August 22, 2001. The following individuals attended: the Complainant; the designee; the psychologist; the Student's teacher of record; a general education teacher; the speech language pathologist; the Student's teacher of service; a provider; and an advocate.
- 7. The School submitted a copy of a Notice dated August 20, 2001, indicating that a CCC was scheduled for August 22, 2001. The Notice has a handwritten note that states the first Notice was provided to the Complainant "while at school 8-20-01."
- 8. The special education supervisor reported that "a verbal notice was provided on 8-20-01 while [Complainant] was at school." The written notice was signed by [Complainant] on 8-22-01.

### **CONCLUSIONS:**

- 1. Finding of Fact #5 indicates that not all required participants were at the School when the CCC meeting was to have been conducted on August 21, 2001; and therefore, it was rescheduled for the next day. Finding of Fact #6 indicates that all required participants were in attendance at the Student's CCC meeting on August 22, 2001. No violation of 511 IAC 7-27-3(a) (2) occurred.
- 2. Finding of Fact #3 indicates that the Complainant was notified on or about June 5, 2001, regarding the CCC meeting scheduled for August 20, 2001, and the Notice indicated that a second Notice would be sent. Although Finding of Fact #4 indicates that the Complainant did not receive a second Notice, Findings of Fact #5, #6, #7, and #8 indicate that the Complainant did go to the School on August 20, 2001, for the Student's CCC meeting; however, because not all required participants were at the School, the CCC was not held. Further, the Complainant was informed while at the School on August 20, 2001, that the CCC would meet on August 22, 2001, and the Complainant did attend on that day. No violation of 511 IAC 7-27-2(c) and (d) occurred.
- 3. Findings of Fact #3, #4, #5, #7, and #8 indicate that the Complainant did not receive a copy of the Student's reevaluation report with the Notice of CCC meeting within twenty instructional days after the reevaluation. A violation of 511 IAC 7-25-6(j) occurred.
- 4. Findings of Fact #2, #3, #5, #6, #7, and #8 indicate that the CCC meeting did not convene to review the Student's reevaluation results on or before June 8, 2001, as specified in the report of the March 30, 2001, CCC Report.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

# **CORRECTIVE ACTION:**

The Indianapolis Public Schools shall:

- 1. disseminate a written notification to all of the School's professional personnel regarding the requirement to provide parents with written notice that a reevaluation has been conducted and to include a copy of the reevaluation report with the notice within twenty instructional days after the reevaluation has been done. A copy of the disseminated notification, along with a list of all recipients by name and title, shall be submitted to the Division no later than November 9, 2001.
- 2. disseminate a written notification to all of the School's professional personnel regarding the requirement to implement student *IEP*s as written. A copy of the disseminated notification, along with a list of all recipients by name and title, shall be submitted to the Division no later than November 9, 2001.

DATE REPORT COMPLETED: October 10, 2001